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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,604	06/14/2001	Sean W. March	NORT0100US (14531RRUS01U)	6409

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EXAMINER	
CHANG, RICHARD	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/881,604	MARCH ET AL.	
	Examiner	Art Unit	
	Richard Chang	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-13,19 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-13,19 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06/14/2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and arguments, filed on 10/13/2006, with respect to claims 1-3, 5-13, 19 and 25 have been fully considered but are moot in view of the new ground(s) of rejection.

The finality of the rejection of last Office action is withdrawn.

Claims 4, 14-18, 20-24 and 26 have been canceled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 5-13, 19 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to independent Claim 1, 7, 19 and 25, these claims are vague and indefinite because the subject mater "type" extends the scope as to render it indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5-13, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5, 727,146 ("Savoldi et al.") in view of US patent 6,744,767 ("Chiu et al.") and further in view of US patent 6,944,673 B2 ("Malan et al.").

Regarding Claims 1, 5 and 7, Savoldi et al. teach a method of dynamically protecting network access using packet source address, comprising of

receiving, in a system, a data unit (51 as packet) containing a source address indicating a source of a data unit (packet),

matching the source address with information stored in the system (50), and

enabling entry of the data unit (packet) to the first network if the source address matches the information stored in the system (52) and denying entry (with error) of the data unit to the first network if the source address does not match the information stored in the system (52) (See Fig. 7, Col. 1, line 61 – Col. 2, line 8), and

indicating occurrence of an attack of the first network in response to determining that the identifier of allow/request configuration field that does not match the stored allow/request configuration field (See Fig. 4, Col. 3, lines 58-63).

Savoldi et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"a storage module to store a threshold value for a communications session, the threshold value representing an acceptable rate of incoming data units from the external network to the first network" and

"a controller adapted to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the threshold value".

Chiu et al. teach a method and networks of voice gateways (22) for bandwidth management during implementation of Quality of Service using Internet Protocol provisioning including

a storage module (54 memory buffer) (See Fig. 2, Col 5, lines 53-55) to store a threshold value (global and local thresholds) for a communications session, the threshold value representing an acceptable rate of incoming data units from the external network to the first network (maximum incoming packet rate), and

a controller (51) adapted to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the threshold value (See Fig. 2, Col. 5, lines 32-58).

A person of ordinary skill in the art would have been motivated to employ Chiu et al. in Savoldi et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of a memory buffer to store a global and local thresholds for a communications session, representing an acceptable maximum incoming packet rate and a controller to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the acceptable maximum incoming packet rate in claims 16 and 21.

The suggestion/motivation to do so would have been to store a global and local thresholds to a memory buffer for a communications session, representing an acceptable maximum incoming packet rate and a controller to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the acceptable maximum incoming packet rate, as suggested by Chiu et al. in Fig. 2, Col. 5, lines 32-58. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Chiu et al. with Savoldi et al. to obtain the inventions specified in claims 16 and 21.

Savoldi et al. and Chiu et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"profiling scheme by protocol filter and security action of generating a report that an attack is occurring".

Malan et al. teach a method for networks profiling relating to common denial of service attack tracking technique including steps of examining multiple layers of the protocol stack and including the data and blocking at any layer or depth if violation happened (See Col. 2, lines 5-16) and generating a report that an attack is occurring (See Fig. 7, Col. 10, lines 6-35).

A person of ordinary skill in the art would have been motivated to employ Malan et al. in Savoldi et al. and Chiu et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of a common denial of service attack tracking technique including steps of examining

multiple layers of the protocol stack and including the data and blocking at any layer or depth if violation happened and generating a report that an attack is occurring in claims 16 and 21.

The suggestion/motivation to do so would have been to use a common denial of service attack tracking technique including steps of examining multiple layers of the protocol stack and including the data and blocking at any layer or depth if violation happened and generating a report that an attack is occurring, as suggested by Malan et al. in Col. 2, lines 5-16 and Col. 10, lines 6-35. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Malan et al. with Savoldi et al. and Chiu et al. to obtain the inventions specified in claims 16 and 21.

Regarding Claim 8-13, 19 and 25, as discussed above, Savoldi et al. and Malan et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of "in the rate of incoming data from the external network exceeding the threshold".

Chiu et al. teach a method and networks of voice gateways (22) for bandwidth management during implementation of Quality of Service using Internet Protocol by a controller (51) adapted to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that the rate of incoming data units exceeds the threshold value (See Fig. 2, Col. 5, lines 32-58).

A person of ordinary skill in the art would have been motivated to employ Chiu et al. in Savoldi et al. and Malan et al. in order to obtain a method of dynamically protecting network access using packet source address and to take advantage of measuring the predetermined bandwidth requirement in claims 12-13, 19 and 25.

The suggestion/motivation to do so would have been to measure measuring the predetermined bandwidth requirement, as suggested by Chiu et al. in Col. 5, lines 32-58. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Chiu et al. with the Savoldi et al. and Malan et al. to obtain the inventions specified in claims 12-13, 19 and 25.

Regarding Claim 6, as discussed above, Savoldi et al. and Malan et al. teach substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"check if the incoming data unit contains a Real-Time Protocol or Real-Time Control Protocol payload, and to deny further entry of the incoming data unit if the incoming data unit does not contain a Real-Time Protocol or Real-Time Control Protocol payload".

Chiu et al. further teach that checking for VoIP packet with User Datagram Protocol and Real Time Protocol (See Col. 9, lines 48-55).

A person of ordinary skill in the art would have been motivated to employ Chiu et al. in Savoldi et al. and Malan et al. in order to obtain a method of dynamically

protecting network access using packet source address and to take advantage of checking for VoIP packet with User Datagram Protocol and RTP in claim 24.

The suggestion/motivation to do so would have been to check for VoIP packet with User Datagram Protocol and Real Time Protocol, as suggested by Chiu et al. in Col. 9, lines 48-55. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Chiu et al. with the Savoldi et al. and Malan et al. to obtain the inventions specified in claim 24.

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5, 727,146 ("Savoldi et al.") in view of US patent 6,944,673 B2 ("Malan et al.") and further in view of US patent 6,928,082 B2 ("Liu et al.") and further in view of US patent 6,744,767 ("Chiu et al.").

Regarding claim 2, as discussed above, this claim have limitation that is similar to those of claim 1 and Liu et al. further teach the matching the source address with one or more entries of a network address translation mapping table server (26) (See Col. 8, lines 2-13), thus those are rejected with the same rationale applied against claim 1 above.

Regarding claim 3, as discussed above, this claim have limitation that is similar to those of claim 1 and Liu et al. further teach that matching the source address comprises matching an Internet Protocol (IP) address (See Col. 5, lines 64-67), thus those are rejected with the same rationale applied against claim 1 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rkc

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